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JPW



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant(s):</b>	Gregory Collier, et al.	<b>Examiner:</b>	Christine J. Saoud
<b>Serial No:</b>	10/039,050	<b>Art Unit:</b>	1653
<b>Filed:</b>	December 31, 2001	<b>Docket:</b>	12785
<b>For:</b>	NOVEL GENES AND THEIR USE IN THE MODULATION OF OBESITY, DIABETES AND ENERGY IMBALANCE	<b>Dated:</b>	February 7, 2005

**Confirmation No.:** 2282

Commissioner for Patents  
Alexandria, VA 22313-1450

**RESPONSE UNDER 37 C.F.R. §§ 1.111 and 1.143**

Sir:

In response to the Office Action dated October 6, 2004, setting forth a requirement for restriction, and in accordance with the provisions of 37 C.F.R. §§ 1.111 and 1.143, Applicants provisionally elect, with traverse, the subject matter of Group III, Claims 10-13, 18-20, 59-62, and 67-69, drawn to the polynucleotides of SEQ ID NO: 5 and 9 that encode the polypeptide of SEQ ID NO: 6, for continued prosecution.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P. O. Box 1450, Alexandria, VA 22313-1450 on February 7, 2005.

Dated: February 7, 2005

  
Frank S. DiGiglio